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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,396	12/17/2003	William E. Mazzara JR.	GP-304224 (2760/145)	7990

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EXAMINER

VU, MICHAEL T

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/738,396	<b>Applicant(s)</b> MAZZARA, WILLIAM E.	
	<b>Examiner</b> Michael Vu	<b>Art Unit</b> 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on December 12, 2005.
- 2a)  This action is FINAL.                          2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-20 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 17 December 2003 is/are: a)  accepted or b)  objected to by the Examiner.
  - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All   b)  Some \* c)  None of:
    - 1.  Certified copies of the priority documents have been received.
    - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date \_\_\_\_\_.
- 4)  Interview Summary (PTO-413) Paper No(s)/Mail Date. \_\_\_\_\_.
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed December 12, 2005 have been fully considered but they are not persuasive.

Applicant argues or alleges the following claims 1, 9 and 17. The Treyz does not disclose, at least, "providing the radio station information to the telematics unit responsive to the detected initiation command".

In response to applicant's arguments as stated above, the examiner respectfully disagrees with Applicant on this point. Treyz teaches an automobile personal computer system and a telematic unit within a mobile vehicle that receiving radio station from the user or the wireless network system that detected and interacted by using voice commands (see Fig. 83-86, and C28, L35-65).

Furthermore, Applicant argues or alleges the following claims 6 and 14 that "Treyz does not disclose the radio station information is broadcast on a sub-carrier band".

In response to applicant's arguments as stated above, the examiner respectfully disagrees with Applicant on this point. Treyz further teaches the adjusting radio settings options allow the user to select or receive radio stations by specifying the band and frequency of each desired stations such as AM and FM / sub-carrier band, and terrestrial digital radio, internet and satellite etc. (see Fig. 83-86, C21, L60-67-C22, L1-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Riley. (see Claim Rejections below).

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 - 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Treyz (US 6,711,474).

Regarding **claims 1, 9, 17**, Treyz teaches a method for operating a telematics unit within a mobile vehicle (Fig. # 2, Automobile Personal Computer Din Sized, Dashboard-Mounted, element #12), the method comprising: receiving radio station information (Fig. #2 and #3, #18, #22 Radio, shows a Wireless Communication Device, and C1, L40-50, C15, L24-30); detecting an initiation command received from a user interface (C42, L28-39, claims #2 and #3 reads on); and providing the radio station information to the telematics unit responsive to the detected initiation command (Fig. #17 & #24, C42, L28-39, C45, L46-65, C68, L49-61, and claims #2 and #3 reads on).

Regarding **claims 2, 10**, Treyz teaches a method of claim 1, further comprising receiving a communication command (C42, L28-39, C45); and initiating a wireless communication via the telematics unit responsive to the received communication

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command (C42, L28-39, C45, L46-65, C68, L49-61, and Abstract, claims #2 and #3 reads on).

Regarding **claims 3, 11**, Treyz teaches a method of claim 2, further comprising: determining if the initiated wireless communication is connected (Fig. #18, #22 Radio, C15, L8-12, communication connected is well known in the art); initiating wireless voice communication from a user interface when the initiated wireless communication is connected (C15, L8-12, C16, L51-56); terminating the wireless communication when the initiated wireless communication is not connected (C16, L51-56, C62, L41-60); and reinitializing the terminated wireless communication via the telematics unit responsive to the received communication command (C62, L41-60, C68, L49-61).

Regarding **claims 4, 12**, Treyz teaches a method of claim 1, further comprising initiating a Wireless communication via the telematics unit responsive to the detected initiation command (Abstract, C23, L33-43, C42, L29-39, C43, L27-34, C45, L47-65, C68, L49-61).

Regarding **claims 5, 13**, Treyz teaches a method of claim 1, wherein the radio station information is selected from the group consisting of: radio station identification (C31, L1-15, C52, L64-67 to C53, L1-10), radio station telephone number (C78, L37-47), one or more radio station messages (C3, L44-48, C4, L6-12, C20, L16-27), alert data such as traffic hotline reports (C58, L47-67, C59, L3-19), government emergency alerts, weather alerts, sports scores and stock quotes (C28, L35-45, C63, L19-27, C64, L5-10).

Regarding **claims 6, 14**, Treyz teaches a method of claim 1, wherein the radio station information is broadcast on a sub-carrier band (C21, L60-67 to C22, L1-12, C58, L47-67).

Regarding **claims 7, 15**, Treyz teaches a method of claim 1, wherein the user interface is a voice activated user interface (C41, L58-67, C77, L15-41).

Regarding **claims 8, 16**, Treyz teaches a method of claim 1, wherein the user interface is manually operable push button user interface (C77, L15-41).

Regarding **claim 18**, Treyz teaches the method of claim 1 wherein the radio station information is received at an interactive radio module via a sub-carrier band of a radio signal (C21, L60-67 to C22, L1-12).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz in view of Richard (US 2002/0111715).

Regarding **claim 19**, Treyz teaches the method of claim 18, **but is silent on** wherein the interactive radio module includes a visual user interface and a physical user interface and is configured to receive commands from the physical user interface and store received radio station information. However, Richard teaches an on-board vehicle computer system that allows the user to access, control, interface, and communicate (by manual intervention, touch tone, and voice response) with a broad spectrum of diverse systems and services via a graphical user interface [0015-0020].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Treyz, such that wherein the interactive radio module includes a visual user interface and a physical user interface and is configured to receive commands from the physical user interface and store received radio station information, to provide a radio and communications capabilities in which allows the user to access a broad spectrum of information in the automobile while traveling on the road.

Regarding **claim 20**, Treyz teaches the method of claim 1 wherein the radio station information is received at an interactive radio module via a sub-carrier band of a radio signal, and **but is silent on** wherein the radio station information includes a radio station telephone number, and wherein the initiation command is received responsive to

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a radio station broadcast, and wherein the radio station telephone number is passed to the telematics unit via a communication bus responsive to the initiation command.

However, Richard teaches an on-board vehicle computer system that allows the user to access, control, interface, and communicate (by manual intervention, touch tone, and voice response) with a broad spectrum of diverse systems and services via a graphical user interface [0015-0020].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Treyz, such that wherein the radio station information includes a radio station telephone number, and wherein the initiation command is received responsive to a radio station broadcast, and wherein the radio station telephone number is passed to the telematics unit via a communication bus responsive to the initiation command, to provide a radio and communications capabilities in which allows the user to access a broad spectrum of information in the automobile while traveling on the road.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Treyz US 6,711,474

Anderson US 6,782,264

Anderson US 2002/0039904

Himmel US 2003/0186662



***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Vu whose telephone number is (571)272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael T. Vu

